

[Doc. No. 8]

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY
CAMDEN VICINAGE

JAKE BALL TRUST, et al.,

Plaintiffs,

v.

MATTHEW DURST, et al.,

Defendants.

Civil No. 12-5255 (JBS/AMD)

ORDER

This matter having come before the Court by way of motion [Doc. No. 8] of Plaintiffs to amend the complaint, disqualify John A. Yacovelle, Esquire, as attorney for Matthew Durst, and remand to New Jersey state court; and the Court noting that Plaintiffs' request to name Plaintiff Steven Durst as an individual and in his capacity as a trustee and Plaintiffs' request to amend the complaint to add as defendants Kelley Galica-Peck, Esquire, Halloran & Sage, LLP, and Robinson & Cole, LLP has previously been granted by Order dated February 7, 2013 [Doc. No. 19]; and the Court noting that the parties submitted a consent order withdrawing Plaintiffs' motion to remand [Doc. No. 44]; and the Court noting that at oral argument on June 18, 2013 Plaintiffs withdrew their request to add additional plaintiffs; and the Court having held oral argument on the remaining portion of the motion on June 18,

2013 with Vincent D'Elia, Esquire, and Teresa Lentini, Esquire, appearing on behalf of Plaintiffs; John Yacovelle, Esquire, appearing on behalf of Defendant Matthew Durst; William O'Connor, Esquire, appearing on behalf of Defendant Halloran & Sage, LLP; Paul H. Zoubek, Esquire, appearing on behalf of Defendant Robinson & Cole, LLP; and Christopher Leise, Esquire, appearing on behalf of Kelley Galica-Peck; and for the reasons set forth on the record and for good cause shown:

IT IS on this 20th day of June 2013,

ORDERED that the remaining portions of Plaintiffs' motion [Doc. No. 8] shall be **DISMISSED WITHOUT PREJUDICE** in part and **DISMISSED AS WITHDRAWN** in part; and it is further

ORDERED that to the extent Plaintiffs' motion seeks to assert a legal malpractice claim against John A. Yacovelle, Esquire, Plaintiffs' motion shall be, and is hereby, **DISMISSED WITHOUT PREJUDICE**; and it is further

ORDERED that as set forth on the record Plaintiffs may file a renewed motion to amend within thirty (30) days from the date of entry of this Order; and it is further

ORDERED that to the extent Plaintiffs' motion seeks to disqualify John A. Yacovelle, Esquire, as attorney for Matthew Durst, Plaintiffs' motion shall be, and is hereby, **DISMISSED WITHOUT PREJUDICE**; and it is further

ORDERED that Plaintiffs may refile their motion for disqualification following the Court's resolution of Plaintiffs'

renewed motion to amend; and it is further

ORDERED that to the extent Plaintiffs' motion seeks to add additional plaintiffs, Plaintiffs' motion shall be, and is hereby, **DISMISSED AS WITHDRAWN**; and it is further

ORDERED that as set forth on the record all discovery shall be stayed for sixty (60) days from June 25, 2013.

s/ Ann Marie Donio
ANN MARIE DONIO
UNITED STATES MAGISTRATE JUDGE

cc: Hon. Jerome B. Simandle